REMARKS

Claims 1-87 were examined. All claims were rejected. In response to the above-identified Office Action, Applicants amend claim 4, but do not cancel any claims or add any new claims. Reconsideration of the rejected claims in light of the amendments and the following remarks is requested.

I.   Claims Rejected Under 35 U.S.C. § 102(e)

The Examiner maintained the rejections of claims 1-12, 16-20, 22-27 and 29-87 under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,583,813 issued to Enright et al. ("*Enright*"), despite Applicants' arguments to distinguish the reference. Applicants thank the Examiner for indicating a portion of *Enright* that allegedly teaches an element of the claims that was central to Applicants' prior arguments. However, for the reasons discussed below, Applicants believe that the indicated portion, as well as the reference generally, is inadequate to serve as the basis of a 35 U.S.C. § 102(e) rejection.

As to claim 1, that claim recites a method comprising a number of operations performed upon a digital camera's connection to a cellular phone, including transmitting an executable file of interest from the camera to the cellular phone, and based on previously-determined command information, invoking execution of the executable file of interest after it has been transmitted to the cellular phone. Applicants previously argued that no comparable executable file was transmitted between any two entities in *Enright*'s system, but the Examiner responded that an image download sequence to be executed at an image server may be [sent] to a remote terminal through the network. Applicants recognize that an "executable file" might contain instructions other than the microprocessor operation codes ("opcodes") that are traditionally thought of as "executable," but even under this interpretation, *Enright*'s image download sequence fails to anticipate the claim limitations.

First, *Enright*'s image download sequence is not sent *from* the camera *to* the cellular phone. Instead, the image download sequence is part of the software that resides on the image server and may be executed in the event that there is concern about lack of memory (*see* col. 32, ll. 40-48; col. 33, ll. 25-32). It is not clear how the image download sequence comes to reside on the image server, but no transmission of the sequence is discussed. Only the *image data* is transmitted, to download the data to a hard or soft permanent or temporary storage device, after which a portion of memory is cleared so that additional image data may be stored. (*See* col. 33, ll. 33-37.) In short, claim 1 requires transmitting an executable file from the camera to the phone. *Enright* transmits image data. Image data is not equivalent to, and does not teach or suggest, an executable file. Therefore, *Enright* fails to anticipate that element of claim 1.

Second, *Enright*'s image download sequence is executed on the image server, not the cellular phone; while claim 1 requires that the executable file of interest be invoked after it has been transmitted to the particular cellular phone. The Examiner's application of *Enright* aligns the image server with the claimed camera, so an image download sequence executed on the image server might anticipate a claim of "an executable file executed *on the camera*." Claim 1 is different: there, execution is to happen *on the cellular phone*, not the camera, so *Enright* fails to anticipate that element of claim 1.

For at least the preceding reasons, Applicants respectfully submit that *Enright* fails to anticipate the method of claim 1, and request that the Examiner withdraw the rejection of that claim.

As to claim 4, that claim is amended to further limit the executable file of claim 1, so that the executable file comprises one of a machine instruction for a target processor and a Java bytecode instruction for a Java virtual machine. Support for the proposed amendment is at Specification p. 39, lines 20-22. None of the references of record transmit an executable file containing machine instructions or Java bytecodes, so Applicants believe that claim 4 is allowable

LS/005.01   19   09/847,811

over those references. The Examiner is respectfully requested to withdraw the rejection of this claim.

As to claims 2-12, 16-20, 22-27 and 29-40, those claims depend directly or indirectly upon claim 1, and Applicants submit that they are patentable for at least the reasons offered in support of claim 1. Applicants respectfully request the Examiner to withdraw the rejections of these claims as well.

The Examiner rejected claims 41-50 for the same reasons set forth in the rejections of claims 1, 2, 4, 6, 8, 31, 34 and 35. Claim 41 recites a multi-device system comprising a camera and a cellular phone which interact in a specific manner. In particular, a subsystem incorporated in the camera is to upload a driver of interest from the camera to the cellular phone, and transmit at least one command from the camera that invokes execution of the driver of interest at the cellular phone.

As Applicants discussed in relation to claim 1, the "programmable instructions executed in connection with image server" (*Enright*, col. 29, ll. 20-23) that the Examiner equates with a driver file in the rejection of claim 2, are not uploaded from the camera to the cellular phone, as claim 41 requires. In addition, no command is transmitted from the camera to invoke the execution of the driver at the cellular phone (instead, the image server itself executes the image download sequence prior to its memory reaching capacity.)

For at least these reasons, Applicants respectfully submit that *Enright* fails to anticipate claim 41, and request that the Examiner withdraw the rejection of that claim.

As to claims 42-50, those claims depend directly or indirectly upon claim 41, and are patentable for at least the reasons discussed in support of claim 41. Applicants respectfully request that the Examiner withdraw the rejections of claims 42-50.

The Examiner rejected claims 51-67 for the same reasons set forth in the rejections of claims 1, 2, 4, 6, 8, 31, 32, 34, 35, 38 and 39, because claims 51-67

LS/005.01   20   09/847,811

are said to have similar limitations. Claim 51 recites a method for automated transmission, execution, and manipulation of an executable file of interest originating from a first device comprising a number of operations, some of which are similar to those recited in claim 1. In particular, claim 51 requires transmitting an executable file of interest from the first device to the particular host device, and transmitting commands that manipulate the executable file of interest at the particular host device. The portions of *Enright* relied upon by the Examiner are deficient because they do not transmit an *executable file*, do not transmit something that might read on the claimed executable file in the *correct direction*, and do not *manipulate the executable file of interest* at the particular host device.

For at least these reasons, Applicants submit that *Enright* fails to anticipate claim 51, Applicants respectfully request that the rejection be withdrawn.

As to claims 52-67, those claims depend directly or indirectly upon claim 51, and are patentable for at least the reasons discussed in support of their base claim. Applicants respectfully request that the Examiner withdraw the rejections of claims 52-67.

As to claims 68-87, those claims also depend directly or indirectly upon claim 51, and are patentable for at least the reasons discussed in support of that claim. And, although *Enright* mentions using XML in communication messages, it does not teach or suggest the specific XML streams recited in claims 68, 69, 71, 72, 74, 75, 77, 78, 80, 81, 83, 84, 86 or 87. For all of these reasons, Applicants respectfully request that the Examiner withdraw the rejections of claims 68-87.

II.   Claims Rejected under 35 U.S.C. § 103(a)

The Examiner rejected claims 13-15, 21 and 28 under 35 U.S.C. § 103(a) as unpatentable over *Enright* (*supra.*) in view of U.S. Patent Publication 2002/0032027 by Kirani *et al.* ("*Kirani*"). However, the Examiner has not identified, and Applicants have been unable to locate, any teaching or suggestion in *Kirani* that would supply at least the deficiencies in *Enright* noted above. Specifically, *Kirani* fails to disclose transmitting an executable file or driver from

LS/005.01   21   09/847,811

the camera to the phone and invoking the driver on the phone. Thus, even assuming that *Enright, Kirani,* or common knowledge at the time of Applicants' invention would have suggested combining the references, the combined teachings do not address deficiencies already noted.
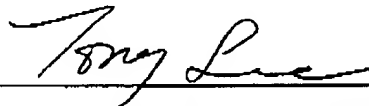
For at least those reasons, Applicants respectfully submit that the Examiner has failed to establish a *prima facie* case that claim 1 and its dependent claims, 13-15, 21 and 28, are unpatentable over *Enright* in view of *Kirani.* Applicants request that rejections of claims 13-15, 21 and 28 be withdrawn.

CONCLUSION

In view of the foregoing, it is believed that all claims now pending, namely claims 1-87, patentably define the subject invention over the prior art of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (310) 207-3800.

Dated: June 21, 2005

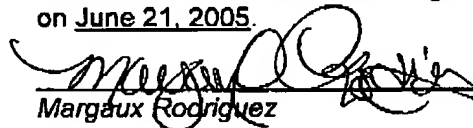Respectfully submitted,
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP

Tong J. Lee, Reg. No. 48,582

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, California 90025
(310) 207-3800

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office, Mail Stop AF, Commissioner for Patents, Post Office Box 1450, Alexandria, Virginia 22313-1450, on June 21, 2005.

Margaux Rodriguez   June 21, 2005